

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RODNEY WAYNE JONES,
CDCR #D-55894,

Plaintiff,

v.

STUART J. RYAN, et al.,

Defendants.

Case No. 07-CV-1019-JMA

**ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFF'S
MOTION FOR AN ORDER
COMPELLING DEFENDANTS TO
COOPERATE IN DISCOVERY [Doc.
140];**

**ORDER SETTING FORTH REMAINING
BRIEFING SCHEDULE ON
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

On July 28, 2010, the Court granted Plaintiff Rodney Wayne Jones's ("Plaintiff") ex parte request for permission to file a late motion for an order compelling Defendants to cooperate in discovery, and deemed Plaintiff's motion to compel filed as of that date. Doc. 141. The California Department of Corrections and Rehabilitation ("CDCR") Defendants (i.e., all defendants except Ronald Pegues ("Pegues"), who is represented by separate counsel) filed an opposition to the motion to compel on August 10, 2010. Doc. 143. Defendant Pegues did not file an opposition.

The Court finds this matter suitable for submission without oral argument pursuant to Local Civil Rule 7.1 d.1., and accordingly **DENIES** Plaintiff's request for oral argument. Further, **IT IS HEREBY ORDERED** that Plaintiff's motion to compel is

1 **GRANTED IN PART** and **DENIED IN PART**, as set forth in further detail below.

2 **A. Discovery Propounded Upon Defendant Pegues**

3 Plaintiff states that Defendant Pegues has refused to respond to any discovery.
 4 See Pl.'s Mem. at 2-3, 5. According to the exhibits attached to Plaintiff's motion,
 5 Plaintiff served interrogatories upon Pegues on August 24, 2009, requests for admission
 6 on January 7, 2010, and requests for production of documents on January 31, 2010.
 7 See Pl. Decl., Exs. A, F, & I. Pegues does not oppose Plaintiff's motion. Accordingly,
 8 Plaintiff's motion to compel the production of discovery from Defendant Pegues is
 9 **GRANTED**. Defendant Pegues shall serve his overdue responses, **without objection**,
 10 to each of the sets of discovery referred to above by no later than August 27, 2010. At
 11 the time he serves his responses, Pegues shall file a notice with the Court indicating
 12 compliance with this Order. Copies of the proofs of service of the discovery responses
 13 shall accompany the filed notice.

14 **B. Discovery Propounded Upon CDCR Defendants**

15 **1. Discovery Served After February 3, 2010**

16 The discovery cutoff in this matter was March 5, 2010. The Court issued no less
 17 than three orders advising Plaintiff of this deadline. See Docs. 109, 124, 128. In its
 18 April 22, 2010 Order, the Court ruled:

19 Plaintiff's request to file discovery motions in relation to discovery served
 20 on August 24, 2009, January 7, 2010, January 31, 2010, February 4,
 21 2010, and February 10, 2010 is **granted in part** and **denied in part**. In
 22 view of the Court's previously-established deadline of March 5, 2010 for
 23 the completion of all discovery (see Docs. 109, 124, 128), any discovery
 24 served after February 3, 2010 is untimely pursuant to the Court's previous
 25 scheduling orders, which required that "all discovery under Rules 30
 26 through 36 of the Federal Rules of Civil Procedure must be initiated a
 sufficient period of time in advance of the cutoff date, so that it may be
completed by the cutoff date, taking into account the times for service,
 notice, and response as set forth in the Federal Rules of Civil Procedure."
See Docs. 109, 128. Therefore, the defendants need not respond to any
 discovery served by Plaintiff after February 3, 2010, and Plaintiff shall not
 file any discovery motions in relation to such discovery.

27 Apr. 22, 2010 Order [Doc. 135], ¶ 2. Therefore, in accordance with the Court's previous
 28 order, Plaintiff's motion to compel responses to the following discovery is **DENIED** as

the discovery was untimely served: Requests for production of documents propounded upon Ochoa, Sandoval, Schommer, Zills, Wells, Mejia, Rodiles, Ortiz, Flores, Rangel, Martinez, Valenzuela (see Pl. Decl., Exs. K, L [served on February 4 and February 10, 2010]) and interrogatories propounded upon Castaneda, Sandoval, Schommer, Wells, Zills, Rodiles, Ortiz, and Mejia (see id., Ex. M [served on February 10, 2010]).¹

2. Other Discovery Served on the CDCR Defendants

Plaintiff appears to contend that the CDCR Defendants provided “incomplete, evasive and inadequate” responses to the following discovery: (1) Interrogatory nos. 7, 8, 13, 15, 19, 20, 23, and 25 served upon Jimenez; (2) Requests for admission nos. 9, 14, and 16 served upon Ochoa; (3) Request for admission no. 14 served upon Mejia; and (4) Document requests served upon Stratton. See Pl.’s Mem. at 3; Pl. Decl., ¶¶ 5, 8, 14, 15 & Exs. G, N, O.

Plaintiff does not provide any argument specifying the reasons the responses provided by Defendants to this discovery is inadequate, and thus has utterly failed to support his contentions. Plaintiff cannot expect to simply file copies of the discovery served and expect the Court to sift through it, find the alleged deficiencies, and make Plaintiff’s arguments for him. It is incumbent upon Plaintiff to provide the basis for his arguments. “It is not the job of this court to develop arguments for [the parties].” See, e.g., Fabriko Acquisition Corp. v. Prokos, 536 F.3d 605, 609 (7th Cir. 2008). Plaintiff’s motion to compel further responses to this discovery is accordingly **DENIED**.

C. Motion for Summary Judgment

On July 28, 2010, the Court, in view of the pendency of the instant motion to compel, vacated the August 20, 2010 hearing date and briefing schedule on the CDCR

¹ Plaintiff should note that the CDCR Defendants’ March 23, 2010 request for supplemental discovery responses from him (see Pl. Decl., Ex. R) does not support his argument that Defendants “did not actually believe that serving discovery responses beyond the March 5, 2010 discovery cutoff date [was a justifiable ground] to deny Plaintiff” responses to his document requests and interrogatories. Pl.’s Mem. at 6. Defendants’ request for supplemental responses from Plaintiff pertained to discovery that *had been initiated a sufficient period of time in advance of the discovery cutoff date*, unlike the discovery served by Plaintiff on February 4, 2010 and February 10, 2010.

1 Defendants' motion for summary judgment and Defendant Pegues's joinder thereto, to
2 be reset at a later date. Notwithstanding the Court's order, Plaintiff filed an opposition to
3 the motion for summary judgment on August 11, 2010. Doc. 144.

4 If, after receiving Defendant Pegues's discovery responses, Plaintiff wishes to
5 supplement his opposition to the motion for summary judgment, he shall do so by no
6 later than September 24, 2010. Any reply to Plaintiff's opposition and/or supplemental
7 opposition shall be filed by no later than October 8, 2010. As of October 8, 2010, the
8 Court will, in its discretion, consider the motion for summary judgment as submitted on
9 the papers, and will issue its written opinion thereafter. See Civil Local Rules 7.1 d.1.
10 Unless otherwise ordered, no oral argument will be heard.


11 **D. Conclusion**

12 Plaintiff's motion to compel is **GRANTED IN PART** and **DENIED IN PART**.
13 Defendant Pegues shall serve his overdue responses to Plaintiff's interrogatories,
14 requests for admission, and requests for production of documents, **without objection**,
15 by no later than August 27, 2010. No further discovery responses are required from the
16 CDCR Defendants.

17 If Plaintiff wishes to supplement his opposition to Defendants' motion for
18 summary judgment after receiving Pegues's discovery responses, he shall do so by no
19 later than September 24, 2010. Any reply to Plaintiff's opposition and/or supplemental
20 opposition shall be filed by no later than October 8, 2010.

21 **IT IS SO ORDERED.**

22 DATED: August 13, 2010

23 
24 Jan M. Adler
25 U.S. Magistrate Judge
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